

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54261 of 2022**

Arising Out of PS. Case No.-416 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Lalbabu Mandal S/o Ram Chandra Mandal, R/o village- Bhuya Asthan, P.S.-
Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Sadar P.S. Case No. 416 of 2021, lodged under Section 30(a) of
Bihar Prohibition and Excise Act.

As per prosecution case, total recovery of 121 liter
foreign liquor has been made, which is the subject matter of the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that police has shown the recovery from the house of

the petitioner but the said room is come within the public domain and many people used to come and go. Learned counsel further submits that antecedent of the petitioner is not clean and there is one case pending against him, in which he is on bail. Learned counsel also submits that petitioner is in custody since 12.08.2022 and charge-sheet has already been filed in the present case.

Learned A.P.P. for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I (Excise Act), Darbhanga in connection with Sadar P.S. Case No. 416 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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